

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LEANDRE MARTELL,

Plaintiff,

v.

KYLE F. MARTINEAU, *et al.*

Defendants.

Case No.: 2:24-cv-00159-GMN-MDC

**ORDER DENYING MOTION FOR
RELIEF FROM AUTOMATIC STAY**

Pending before the Court is the Motion Requesting Relief from Automatic Stay, (ECF No. 20), filed by Plaintiff Leandre Martell. Defendants Kyle Martineau and Ralph Aquino and party in interest Wellpath LLC filed a Response, (ECF No. 24). Defendant Maria L. Skelton joined the Response, (ECF No. 26).

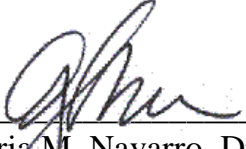
This Court does not have the authority to grant relief from the automatic bankruptcy stay. Based on the legislative history and policy considerations behind 11 U.S.C. § 362, the bankruptcy court has exclusive authority to grant relief from an automatic bankruptcy stay. *See Cathey v. Johns-Manville Sales Corp.*, 711 F.2d 60, 62-63 (6th Cir. 1983); *see also In re Gruntz*, 202 F.3d 1074, 1081-84 (9th Cir. 2000) (explaining that oversight of automatic bankruptcy stays, and any modifications thereto, is a core function of the bankruptcy court “the administration of which is vested exclusively with the bankruptcy court”). Hence, all requests for relief from a bankruptcy stay must be filed in bankruptcy court, and other courts with proceedings that may be impacted by that stay are without power to grant relief from the stay. *See Ingersoll-Rand Fin'l Corp. v. Miller Min. Co., Inc.*, 817 F.2d 1424, 1427 (9th Cir. 1987) (refusing to proceed with appeal in manner that would violate applicable automatic stay because “the bankruptcy court has not granted relief from the stay”); *see also In re Wardrobe*,

1 559 F.3d 932, 934 (9th Cir. 2009) (“only an order from the bankruptcy court can authorize any
2 further progress in the stayed proceedings”).

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Relief from Automatic Stay is
5 **DENIED.**

6 Dated this 11 day of February, 2025.

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Gloria M. Navarro, District Judge
United States District Court